



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 534**

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**Hearing Date:** February 8, 2007  
**Committee On:** Natural Resources

**Introducer(s):** (Schimek)  
**Title:** Change provisions relating to urban storm water drainage

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**Roll Call Vote – Final Committee Action:**

Advanced to General File  
Advanced to General File with Amendments  
X Indefinitely Postponed

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**Vote Results:**

7	Yes	Senators Carlson, Christensen, Fischer, Hudkins, Kopplin, Louden, Wallman
0	No	
1	Present, not voting	Senator Dubas
0	Absent	

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**Proponents:**

Senator DiAnna Schimek  
Nicole Fleck-Tooze  
Steve Riehle  
Marty Grate  
Lynn Garton  
Lance Hedquist  
Gary Krumland  
Joe Soucie

**Representing:**

Introducer  
City of Lincoln  
City of Grand Island  
City of Omaha  
City of Scottsbluff  
City of South Sioux City  
League of Nebraska Municipalities  
City of LaVista

**Opponents:**

Larry Ruth

**Representing:**

Associated General Contractors-Nebraska Chapter; Chief Industries; Heartland Community Bankers Association; Nebraska Association of Commercial Property Owners; Nebraska Press Association  
Nebraska Bankers Association; National Federation of Independent Business; Nebraska Pharmacists Association  
Nebraska New Car and Truck Dealers Association  
Nebraska Catholic Conference

Jerry Stilmock

Loy Todd

Jim Cunningham

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Korby Gilbertson	Nebraska Realtors Association; Nebraska State Homebuilders Association; Girls and Boys Town; Boys Town National Research Hospital; Nebraska Health Care Association; Alltel Communications; Windstream Communications; Nebraska Cable Communications Association; Lincoln Public Schools
Tip O'Neill	Association of Independent Colleges and Universities of Nebraska
Mike Ryan	Self
Randy Lenhoff	Nebraska Association of Community Property Owners
Jim Otto	Nebraska Retail Federation; Nebraska Restaurant Association
Tyler Mohr	Self
Mike Hybl	Nebraska Trucking Association
Ron Sedlacek	Nebraska Chamber of Commerce; Omaha Chamber of Commerce
Kathy Siefken	Nebraska Grocery Industry Association
Bruce Bohrer	Lincoln Chamber of Commerce
John Dickerson	Institute of Real Estate Management, Nebraska Chapter
<b>Neutral:</b>	<b>Representing:</b>
Dennis Baack	Nebraska Community College Association
Jay Ringenberg	Department of Environmental Quality

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**Summary of purpose and/or changes:**

LB 534 does the following:

- Section 1      Statutory reference changes.
- Section 2      Storm sewer system is added to the definition of sewage systems for the purposes of this act. System or works of sewage have a list of purposes that include: “removal, discharge, conduction, carrying, treatment, purification, disposal” and the new language adds “storage” to that list. Specific definitions for urban area, urban cluster and urbanized area are included to reflect the language in the federal permits for storm water management required from Nebraska’s communities.
- Section 3      Adds natural drainage components of a sewerage system and adds storage to treatment, purification and disposal to the functions that the city or village chooses to engage. Specific language is added to limit the scope of the proposed changes to Section 11 of this act, which essentially limits this act to being only

applicable to the urban area of cities which are required by federal law to develop, establish and implement storm water management programs and secure a storm water discharge permit under the National Pollutant Discharge Elimination System. Includes storm sewer system with sewage disposal system as a function of the city or village that must comply with law and if it doesn't, this statute provides for limited public financing to bring the city or village into compliance.

- Section 4 Adds any storm sewer system subject to the permit requirements under the National Pollutant Discharge Elimination System to be eligible for revenue bonding for the purpose of owning, operating, constructing and equipping a sewage disposal plant or sewerage system.
- Section 5 Allows cities and villages to levy equitable charges to pay for the use of sewer plants and sewer systems. This section is amended to include storm sewer systems obligated under the federal law to develop, establish and implement storm water management programs. The new language stipulates that any such charges levied must be levied proportionately to the storm water contribution of the premises based upon sound engineering principles. This language further permits allowances and credits to people who conduct best management practices for storm water quality and quantity improvements. All public property being used for a public purpose shall be exempt from the charges set forth in this section.
- Section 6 Adds federally required storm water sewage systems as an eligible function to be paid for through rates permitted to be used to secure revenue bonds.
- Section 7 Allows cities and villages to contract out to any corporation some of the facilities and functions required to meet sewage needs under a federally required storm water sewage system.
- Section 8 Adds federally required storm water sewage systems to the public records of the public body ordering the installation, improvement or extension of a sewer plant or system, the preparation of plans, advertising for bids and the awarding of the contract to the lowest bidder.
- Section 9 Adds storm water sewage systems required by the federal government to the list of systems that cities or villages are permitted to charge a reasonable and fair rate for services that have expanded beyond the limits of the city or village that closely resemble the rates charges inside the city.
- Section 10 Allows for the mayor and city council of any city or board of trustees to enact ordinances to set up rental or use charges to be collected from users of any sewerage system, including a storm sewer system.
- Section 11 Stipulates that the authorization of the establishment of use charges for storm sewer systems shall be applicable only to the urban area of cities which are required by federal law to develop, establish and implement storm water

management programs and have secured a storm water discharge permit under the National Pollutant Discharge Elimination System.

Section 12 Provides for a county board that encompasses a city under federal storm water mandates or in the case that the county is under a federal storm water mandate to pass resolutions creating and funding a storm water management program with proceeds from fees or charges. The language allows for counties to levy revenue bonds that are funded by these fees. The new language stipulates that any such charges levied must be levied proportionately to the storm water contribution of the premises based upon sound engineering principles. This language further permits allowances and credits to people who conduct best management practices for storm water quality and quantity improvements. All public property being used for a public purpose shall be exempt from the charges set forth in this section. The language also stipulates that a county shall not impose storm water management charges against real property that is being charged a storm water management charge by a city mentioned in Section 11 of this act.

Section 13 Severability clause

Section 14 Repealer

**Explanation of amendments, if any:**

None

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**Senator LeRoy Loudon, Chairperson**